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FILED

June 19, 2006

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE SUSPENSION
OR REVOCATION OF THE LICENSE OF

ARTHUR L. LUBAN, M.D.
License No. MA20515

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Medical Examiners ("Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent, Arthur L. Luban, M.D., is the holder of License No. MA20515, and was licensed to practice medicine in the State of New Jersey from 1965 until 2001 after which time Respondent permitted that license to lapse.

2. On or about June 15, 1981, in the United States District Court, Central District of California, Respondent was found guilty, based on a plea of guilty, of violating Title 18, United States

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Code §1014, by knowingly making a false statement for the purposes of influencing a bank action. Respondent was sentenced to two (2) years imprisonment, suspended except for seventy-four (74) days, four (4) years probation, two hundred fifty (250) hours of charitable service and a five thousand (\$5,000) dollar fine.

3. On or about January 9, 2004, in the Supreme Court of the State of New York, County of Queens, Respondent was found guilty, based on a guilty plea, of violating New York Penal Law §175.10, falsifying business records in the first degree, a class E felony. On or about May 20, 2004, Respondent was sentenced to a three (3) year conditional discharge.

4. On or about February 1, 2005, the New York State Department of Health, State Board of Professional Medical Conduct ("New York Board") filed a Statement of Charges against Respondent based on the convictions stated above, alleging that Respondent violated New York Education Law §6530(9)(a)(i) by having been convicted of acts constituting a crime under New York state law. On or about February 15, 2005, the New York Board issued a Consent Order adopting the terms and conditions of the Consent Agreement executed by Respondent on January 26, 2005. Pursuant to the Consent Agreement, Respondent did not contest the charges filed against him by the New York Board and agreed to a penalty of five (5) years suspension of which ninety (90) days are to be served on active suspension and four (4) years and nine (9) months are to be served

on probation. Respondent also agreed to a ten thousand (\$10,000) fine. By entry of the Consent Order, Respondent 's practice of medicine is permanently limited to a supervised setting where Respondent has no direct responsibility for patient billing.

CONCLUSION OF LAW

1. The above criminal actions taken by the United States District Court, Central District of California and the State of New York provides ground to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(f) in that, Respondent has been convicted of, or engaged in acts constituting, a crime or offense involving moral turpitude or relating adversely to the activity regulated by the Board.

2. The above disciplinary action taken by the sister state of New York provides ground to take disciplinary action against Respondent's license to practice medicine and surgery in New Jersey pursuant to N.J.S.A. 45:1-21(g) in that, Respondent's license has been suspended in another state.

3. Respondent's failure to submit his biennial renewal in 2001 resulting in a lapsed license status provides grounds to automatically suspend Respondent's license to practice medicine and surgery in the State of New Jersey pursuant to N.J.S.A. 45:1-7.1(b).

DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline suspending Respondent's license to practice medicine and surgery in the State of New Jersey was entered on February 14, 2006 and a copy was forwarded to Respondent's last known address by means of both regular and certified mail. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitted any and all documents or other written evidence supporting Respondent's request for considerations and reasons therefor.

Although the record reflects that the Provisional Order was served upon Respondent to his address of record with the Board at 5127 Surf Avenue, Brooklyn, NY 11224-1127, by both regular mail and certified return-receipt requested, no response has been received to date. The Provisional Order sent to Respondent on February, 14, 2006, by certified return-receipt mail was returned by the Post Office marked "returned to sender". However the Provisional Order sent to Respondent via regular mail on February 14, 2006, was not returned by the Post Office as undeliverable. Respondent can not

evade process by failing to respond. Accordingly, the Board considered the matter, determined that further proceedings were not necessary and the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 19th day of June, 2006,
ORDERED AND AGREED THAT:

1. Respondent's license to practice medicine and surgery shall be and hereby is suspended by the New Jersey State Board of Medical Examiners for a period of five (5) years of which ninety (90) days are to be served on active suspension, the remainder stayed, to be served as probation for a term of four (4) years and nine (9) months.

2. Respondent's practice of medicine in the State of New Jersey is permanently limited to a supervised setting where Respondent has no direct responsibility for patient billing.

3. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board or a committee thereof, to demonstrate fitness to resume practice, to show that Respondent has satisfied all requirements of any New York Board or criminal disposition(s). Respondent shall also demonstrate that he has satisfied the requirements for the reinstatement of a lapsed license pursuant to N.J.S.A. 45:1-7.2. Any practice in this State prior to reinstatement shall constitute grounds for the charge of unlicensed practice. In addition, the

Board reserves the right to place restrictions on Respondent's practice should Respondent's license be reinstated.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

Sindy M. Paul, MD, MPH

By:

Sindy Paul, M.D.,
Board President